

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2672**

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**Introduced by Assembly Member Cook**

February 19, 2010

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An act to ~~amend Section 11503 of the Public Utilities~~ *add Article 10 (commencing with Section 53170) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, relating to ~~public utilities~~ local government.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2672, as amended, Cook. ~~Municipal utility districts. County transportation commissions and special act agencies.~~

*Existing law establishes county transportation commissions. Existing law also establishes various agencies and prescribes their membership composition. Existing federal law prohibits an individual who has been debarred, suspended, disqualified, or otherwise excluded from participating in federal covered transactions.*

*This bill prohibits a county transportation commission, a special act agency, and any other entity whose membership is defined by statute, from permitting an excluded individual to participate in, be appointed to, or sit as a member on the agency's governing board or one of its committees. This bill requires an excluded individual to vacate his or her seat on an agency's governing board and its committees upon notification from a federal agency that he or she has been debarred, suspended, disqualified, or otherwise excluded from participating in federal covered transactions, or if he or she voluntarily excludes himself or herself from participating in federal covered transactions. This bill*

*authorizes an agency affected by its provisions to adopt rules and regulations necessary for its implementation.*

~~The Municipal Utility District Act governs the formation and governance of a municipal utility district. The act defines for its purposes the terms “district,” “special district,” and “board.”~~

~~This bill would make technical, nonsubstantive changes to that definition.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Article 10 (commencing with Section 53170) is*  
2     *added to Chapter 1 of Part 1 of Division 2 of Title 5 of the*  
3     *Government Code, to read:*

4  
5     *Article 10. Removal of Debarred, Suspended, Excluded, or*  
6     *Ineligible Individuals from Commissions and Agencies*  
7

8     *53170. This article shall be known and may be cited as the*  
9     *Removal of Excluded Individuals Act.*

10    *53170.1. It is the intent of the Legislature in enacting this*  
11    *article to provide a county transportation commission, a special*  
12    *act agency, or any other entity whose membership composition is*  
13    *prescribed by statute, with the authority to immediately remove*  
14    *an individual who is debarred, suspended, disqualified, or*  
15    *otherwise excluded from participating in a federal covered*  
16    *transaction pursuant to federal law, including, but not limited to,*  
17    *Part 180 (commencing with Section 180.5) of Chapter I and Part*  
18    *215 (commencing with Section 215.0) of Chapter II of Subtitle A*  
19    *of Title 2 of the Code of Federal Regulations. It is the further intent*  
20    *of the Legislature that this authority be limited to requiring a*  
21    *debarred, suspended, disqualified, or other excluded individual*  
22    *to vacate his or her respective seat in the commission, agency, or*  
23    *the committee of a commission or agency, and not to eliminate the*  
24    *representative seat or position that the terminated individual held.*

25    *53170.2. For purposes of this article, the definitions set forth*  
26    *in Part 180 (commencing with Section 180.5) of Chapter I and*  
27    *Part 215 (commencing with Section 215.0) of Chapter II of Subtitle*

1 *A of Title 2 of the Code of Federal Regulations shall apply, unless*  
2 *otherwise stated.*

3 *53170.3. For purposes of this article, the following terms shall*  
4 *have the following meanings:*

5 *(a) “County transportation commission” means a commission*  
6 *as defined in Section 130002 of the Public Utilities Code.*

7 *(b) “Excluded individual” means an individual who has been*  
8 *debarred, suspended, disqualified, or otherwise excluded from*  
9 *participating in federal covered transactions pursuant to federal*  
10 *law, including, but not limited to, Part 180 (commencing with*  
11 *Section 180.5) of Chapter I and Part 215 (commencing with Section*  
12 *215.0) of Chapter II of Subtitle A of Title 2 of the Code of Federal*  
13 *Regulations.*

14 *(c) “Special act agency” means a regional agency whose*  
15 *membership composition is set forth in its enabling act, and the*  
16 *enabling act does not authorize the agency to remove an individual*  
17 *from its governing board or its committees if the individual is*  
18 *debarred, suspended, disqualified, or otherwise excluded from*  
19 *participating in a federal covered transaction pursuant to federal*  
20 *law.*

21 *53170.4. (a) A county transportation commission, a special*  
22 *act agency, or any other entity whose membership is defined by*  
23 *statute, shall not permit an excluded individual to participate in,*  
24 *be appointed to, or sit as a member on its governing board or one*  
25 *of its committees.*

26 *(b) An individual who sits on the governing board or a*  
27 *committee of an agency that is subject to subdivision (a) shall*  
28 *immediately vacate his or her seat upon notification from a federal*  
29 *agency that he or she is debarred, suspended, disqualified, or*  
30 *otherwise excluded from participating in federal covered*  
31 *transactions pursuant to federal law. An individual who voluntarily*  
32 *excludes himself or herself from participating in federal covered*  
33 *transactions shall also vacate his or her seat.*

34 *(c) A vacated seat does not infringe upon an agency’s right to*  
35 *retain the seat. If a replacement or alternate member is not*  
36 *available to fill a vacant seat, the seat shall remain vacant until*  
37 *the agency finds a qualified replacement, who is not an excluded*  
38 *individual, to fill the seat.*

39 *(d) This section does not apply if one of the following occurs:*

1     (1) A federal agency grants an excluded individual an exception,  
2     in writing, to participate in a particular covered transaction, but  
3     only to the extent that the exception makes the individual eligible  
4     to participate in federal covered transactions.

5     (2) An excluded individual is removed from the federal Excluded  
6     Parties List System.

7     53170.5. An agency affected by this article shall have the  
8     authority to adopt rules and regulations necessary to implement  
9     this article.

10    ~~SECTION 1. Section 11503 of the Public Utilities Code is~~  
11    ~~amended to read:~~

12    ~~11503. (a) "Board" means the board of directors of a district.~~

13    ~~(b) "District" means a municipal utility district formed under~~  
14    ~~this division or under Chapter 218 of the Statutes of 1921, as~~  
15    ~~originally enacted or subsequently amended.~~

16    ~~(c) "Special district" means a special district for sewage disposal~~  
17    ~~or solid waste resource recovery purposes created under this~~  
18    ~~division or under Chapter 218 of the Statutes of 1921, as originally~~  
19    ~~enacted or subsequently amended.~~